

Texas Rural Legal Aid

The Virtual Office: Technology Enables the Practice Area Delivery System

Texas Rural Legal Aid provides limited access to civil legal services for the indigent residents of Southwest Texas and for migrant and seasonal farm workers in seven Southern states from Texas to Kentucky. Almost two million poor people look to TRLA as their principal law firm. A recipient of funding from the Legal Services Corporation, TRLA has seen its federal resources shrink by more than 50% in the last two decades, and although state and local support has increased in the last several years, it has not come close to replacing the diminished federal funding. Thus, the competition for limited lawyering resources has become ever more intense.

The 100 lawyers who remain must be used more effectively, and their productivity must be increased. Technology cannot replace the lost resources, but it can be helpful in reducing the impact of fewer and fewer advocates for the poor. TRLA has resorted to technology to convert its widely-scattered staff into a virtual office. Using a custom-written case management system to access a centralized database of case records, a Citrix-based wide area network, a law student operated telephone call center, and an advocate-oriented web site, TRLA can now operate as if it were one large office – a virtual office – with a full range of advocacy specialists and support staff in the same building. Advocates who are hundreds of miles from one another can function as a complementary team to represent a client who may not live anywhere near her lead counsel.

This report describes the new TRLA Practice Area Delivery System, a progeny of the virtual office.

The Region and Its Clients

TRLA serves the indigent residents of 68 counties in Southwest Texas, from Austin to El Paso, and south to Brownsville. On June 28, 2002, Bexar County Legal Aid Association, Coastal Bend Legal Services, El Paso Legal Aid Society and Legal Aid of Central Texas merged into TRLA, forming one of the three largest programs of its kind in the country. The areas previously served by the constituent programs, and the resulting merged areas, are shown on the map at Figure 1.

The area is vast, approximately the same size as Colorado, the 8th largest state in the country. From Brownsville in the southern tip to El Paso at the western end is a distance of more than 600 miles. It ranges from intensely urban in places like San Antonio and Austin to sparsely populated rural areas in the Trans-Pecos region.

The dominant feature of the service area is its proximity to Mexico. Although Mexico is rapidly transforming itself from an agrarian to an urban nation, one whose economy is based on manufacturing and international trade, there is a dramatic difference in wealth between the two nations' economies. The border communities served by TRLA are where the differences and the similarities are most dramatic, and most intertwined.

As might be deduced, the population is overwhelmingly Hispanic, as indicated from Figure 2. The population in the first tier of counties along the border is from 80% to over 90% Mexican-American. Spanish is the language of choice for a majority of the population in the

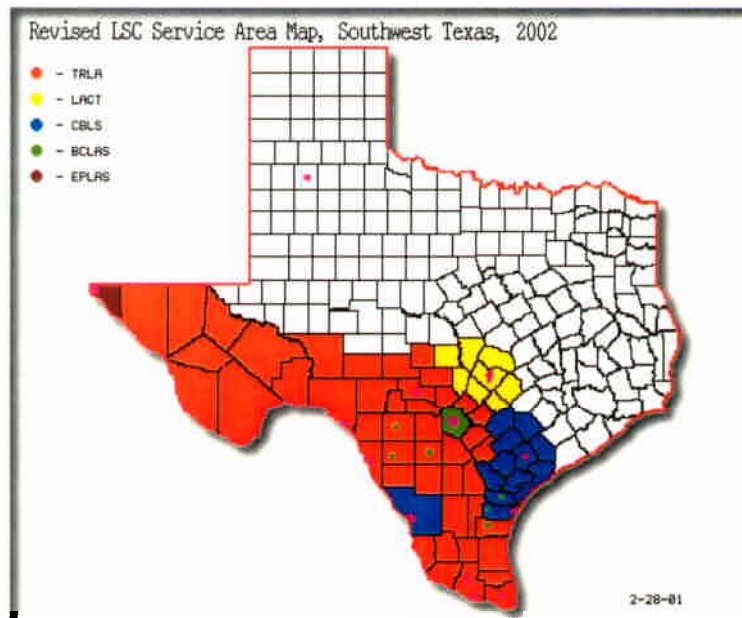


Figure 1: TRLA Service Area, 2002

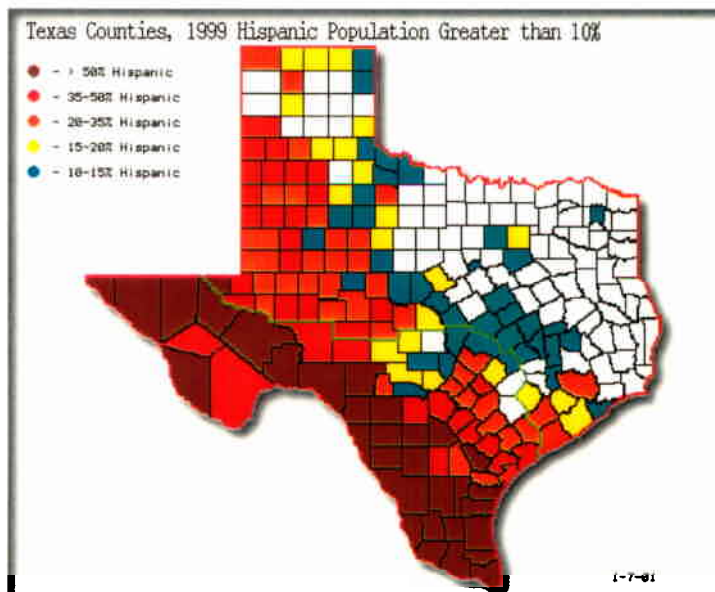


Figure 2: Hispanic Population in Texas, 1999

border communities, mandating that staff be fluent in Spanish as well. The border blends elements of both nations' cultures into a unique, and rich, binational environment. Aggressive voting rights litigation in the 1970's and 1980's helped to turn political control over to the Mexican-American majority throughout much of the service area.

Commensurate with a very large Hispanic population in Southwest Texas is a very large poverty population. Mexican-Americans shoulder a much larger poverty burden than Anglos in their communities, so it is not surprising that the TRLA service area contains 7 of the 10 counties in Texas with greater than 50,000 poor people. The poverty rate in most border counties exceeds one-third of the population. The urban counties with large numbers of people in poverty – Bexar, Cameron, El Paso, Hidalgo, Nueces, Travis and Webb – present a

different set of challenges and opportunities for the civil legal services delivery system. In addition, three of those counties (Hidalgo, Cameron and Webb) consistently are among the five poorest metropolitan counties in the United States and are also among the fastest-growing counties in the country. The numbers of clients and the complexity of their legal problems demand a service delivery system that can process a high volume of routine cases in the most efficient manner possible, while supporting high quality litigation to resolve the more daunting and complex cases.

Since 1977, TRLA has been the designated firm for the delivery of civil legal services to migrant farm workers in Texas. The border area has long had the largest single concentration of US workers who travel long distances to harvest crops, to work in packing sheds and poultry processing plants, plant forest seedlings, and to do the dangerous, difficult jobs at low wages that no one else will do. With aggressive litigation to enforce federal and state protective statutes for farm workers, TRLA staff have developed a national reputation for its advocacy. In 2001, LSC recognized that effort by awarding TRLA the grants to serve migrants in six Southern states: Kentucky, Tennessee, Alabama, Mississippi, Arkansas and Louisiana. To serve that area, TRLA opened a four-lawyer office in Nashville, Tennessee, operating as Southern Migrant Legal Services.

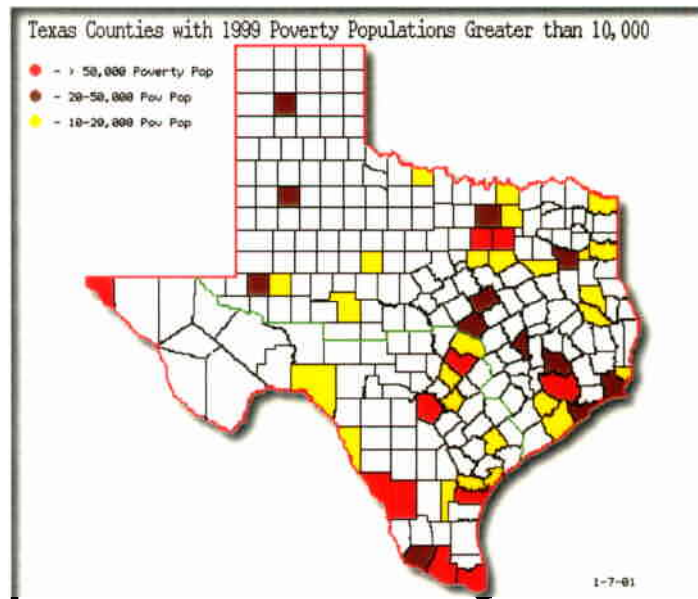


Figure 3: Distribution of Poverty Population, Texas, 1999.



Figure 4: Migrant farm worker service area.

The Technology

To address the needs of two million eligible clients in such a vast service area, TRLA has resorted to technology in a major way. The case management system, wide area network, call center intake system, and web site are all parts of the technology infrastructure that make the practice area delivery system possible.

Client Tracking System

Because available commercial case management software did not afford the intake and litigation support to meet the program's needs, TRLA developed its own application. The TRLA Client Tracking System, or "CTS," is the product of ten years of evolutionary development. Beginning in the early 1990's, the CTS was built from the ground up to be the primary case management tool for program advocates. Most of the available software had been designed primarily to furnish caseload statistics to the funding sources. The CTS, on the other hand, was designed as a tool to guide intake workers and to support the advocate.

The basics are all there. The CTS screens allow the intake worker to accomplish the eligibility review in an expeditious, non-intrusive manner. Built-in calculators for income, public benefits, and family assets permit a paralegal or law student to record the information from a few limited questions and to determine at a glance the applicant's financial eligibility for free legal services. Similarly, complicated questions regarding the eligibility of applicants who are not US citizens, meant to implement Congressional restrictions on representation, can be asked and answered swiftly in the vast majority of cases. Reports to funding sources are built into the system, and their accuracy have resulted in very few reporting "exceptions." Originally developed with FoxPro for DOS, the IT staff is now converting the application to Visual FoxPro for Windows and integrating the document assembly functions with Microsoft Word.

At the twin objectives of intake and advocacy is where the Client Tracking System plays its critical role in the delivery system. For the intake worker, the CTS includes a number of case-

Figure 5: Client Tracking System, Main Screen

type modules that guide the interviewer through the substantive data collection process. When the law student or paralegal identifies the case type, a module linked to that case type code is activated. The module identifies the information necessary for the advocate to process the case, and much of that information will ultimately be fed into automatically assembled documents that are produced directly from the CTS. For example, with the information for a divorce case obtained by the intake worker, the lawyer who is assigned the case can immediately assemble a divorce counter-petition, an application for a protective order, or a 30-page final judgment.

For the advocate, the CTS provides a range of critical support tools. Document assembly is obviously one of those important tools. In addition, the Docket, with its associated databases of courts and their staffs, as well as indexes of pleadings and settings, serves an important role in litigated cases. The CTS also includes a database of interested parties, including opponents and their counsel, and a witness database, with expert and fact witnesses alike. Activity logs, integrated with the LSC-mandated timekeeping system, record all actions taken by staff members on the case. For routine advice-only cases, a bank of commonly-provided legal advice is available to be assembled into a letter confirming the advice given orally to the client during the intake interview. Several types of “ticklers” or reminders are available to keep track of cases as they move from intake to final closing. The CTS is integrated with the accounting system, giving the lawyer instant access to litigation expenses incurred in the case.

The CTS is also a powerful management information tool. Reports can be generated at any time depicting a case handler’s current caseload information, or a report for an entire office or practice area team. Supervisors and co-workers can quickly identify inactive cases or caseloads that are excessive through a dynamic “aged accounts” report on the password-protected intranet, identifying for each case handler the number of new case dispositions pending and reviewed, as well as caseload of extended service cases.

Wide Area Network

TRLA established local area networks in its 12 branch offices in the early to mid-1990's. In 1998, with grants from the Legal Services Corporation and the Texas Bar Foundation, TRLA embarked on a campaign to connect the LAN's in all the offices onto a wide area network. The objective was to have all staff work from a single, centralized CTS database of case records, facilitating collaboration on cases. Cases could be transferred electronically, information from clients and witnesses could be entered into the system once, and all information on a case would be available to all advocates and staff immediately, and reports could be generated quickly from all data in the system. Previously, creating reports required the IT staff to do an overnight download of information from the 12 branch office databases into the Weslaco headquarters database, then to reconcile the data. That was a laborious and inefficient process.

Using Citrix Metaframe software to control internet access to a centralized database, the WAN was cobbled together using a variety of connections. At the time the WAN was set up, high speed internet access in rural counties was scarce to nonexistent, and it was necessary in many sites to use expensive leased lines, including T-1 and ISDN. To secure high speed access

to the internet at an affordable cost, it was necessary to sign three-year contracts. Those contracts expired in 2002, and the availability of much cheaper DSL and cable modem connections has dramatically reduced the operating costs of the WAN.

The system servers are now located in San Antonio, where a robust, direct connection to the internet backbone was possible. Every staff member in every TRLA office, including the offices of the four programs that merged with TRLA in June 2002, now are on the WAN. The email system has been installed for all staff and training is underway for the newest version of the Client Tracking System.

Telephone Access to Justice

With the Client Tracking System and Wide Area Network in place, TRLA initiated a new intake system. The CTS/WAN combination allowed intake from a centralized point to be routed to the appropriate staff members swiftly and seamlessly. The Telephone Access to Justice call center, with nine computer/telephone work stations, was established in San Antonio in the fall of 1998. It supplements the long-standing practice of having paralegals do eligibility screening and substantive interviewing. Thirty-five to forty law students at St. Mary's University work on a part-time basis to conduct client intake. Intake includes extensive substantive interviewing, using the modules and other features of the Client Tracking System to guide the interview process. A client can call from anywhere in the United States on toll-free lines. The students also provide pro bono and pro se support services, particularly in rural counties. Operating on a schedule of 8:00 am until 6:00 pm, and often later, the students in some months have handled up to 45% of total program intake operations. The TAJ has been so successful that plans are in place to expand its operations with a second site in Austin, using University of Texas law students and special funding from LSC. It should be online by the end of the year.

The more experienced students also provide legal advice and counseling in routine cases, entering the advice given to the client orally into a CTS field for that purpose. When the supervising attorney reviews the case, she can accept or modify the advice given orally and merge it into a confirming letter to the client. Until October 2001, when the Practice Area Delivery System was implemented, the supervising attorney would normally be a staff attorney in the office nearest to the client.

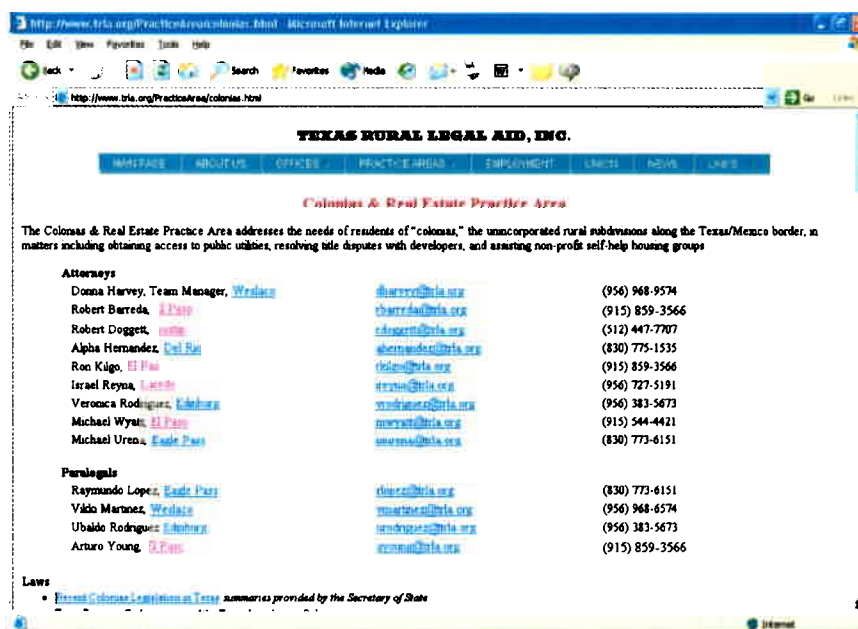
With the merger of Coastal Bend Legal Services into TRLA, another type of hotline was inherited, one that will nicely complement the TAJ-law student approach. The Corpus Christi hotline is staffed by attorneys and paralegals, and operates on a more limited schedule four mornings each week. The largest deficiency with the use of law students is that allowances must be made for the academic schedule. Thus there are times when there are very few students available to work the phones. The Corpus Christi staff, together with paralegals in branch and satellite offices, will be essential supplements to the TAJ.

To stitch these various intake sites into an integrated whole, TRLA will establish a single telephone number (888-988-9996) that clients can contact from anywhere in the country.

Automatic call direction capability, probably using voice-over-IP technology, will send the client's call to the next available operator who speaks her language, whether that intake worker is located in Austin, San Antonio or Corpus Christi. The result should be a more efficient utilization of the intake workers who are available, and a simple way for clients to access program resources.

WWW.TRLA.ORG

TRLA created a web site in 2001 to support the advocacy efforts of the staff. Very few poor people in Southwest Texas have meaningful access to computers, so the designers of the site focused on the needs of advocates rather than seeing it as an alternative delivery mechanism for clients. As a result, it complements the other elements of the delivery system. The web site has a confidential, password-protected intranet site as well.



The content and much of the design of the site was created by a VISTA Volunteer, who worked part-time on the project. She assembled a huge number of useful links to other sites on the web, and organized them by practice areas. A summer intern updated the links in 2002 and added the staff of the four merged programs. The architecture for the site was done by one of the IT staff, also on a part-time basis. By using volunteers and a limited amount of staff time, the cost of the site has been minimal.

The Practice Area Delivery System

For many years programs serving widespread rural communities have been envious of urban programs that could offer their clients a degree of specialization unheard of in a two-lawyer office. The legal profession has long recognized the compelling need for its members to specialize. The time when a lawyer could stay abreast of developments in a wide variety of practice areas is long past. For over a quarter century the Texas bar has recognized the importance of this trend through its specialist certification programs. Similarly, poverty lawyers have been aware of the advantages of specialization for at least that long.

However, for a program serving a large rural area, the dream of specialization remained

just that – a dream. When numerous small offices had to be scattered throughout the service area to give clients a modest chance at access to services, the unavoidable victim was specialization. Until now. Technology presents the opportunity to treat many offices as one virtual office. For TRLA, none of the individual systems – not the CTS, the WAN, the TAJ, or the web site – could create that virtual office, but operating together they do. Each is an essential component of the new practice area delivery system.

The practice area system evolved from a Justice Department Violence Against Women Act grant in 1999 that established a joint project between TRLA and the 12 shelter organizations in the pre-merger service area. Using the technology already in place, TRLA lawyers began to provide legal work supervision for the legal advocates in the shelters. Clients had the advantage of having a substantive intake done in the safety of the shelter by an advocate who has already demonstrated her concern for the client's safety and welfare. The intake information could be used by the TRLA attorney to prepare an application for a protective order, a divorce petition, or, if the client were undocumented, a self-petition for adjustment of status with the Immigration Service.

The VAWA project proved the concept of using the WAN/CTS technology to offer specialized legal services for victims of domestic violence. It extended the reach of the three attorneys specializing in domestic violence issues to all of the 47 counties then in the service area. In addition to the clients reached through the shelters, the TAJ and branch offices also allowed victims quick access to the DV lawyers. There was an easy and constant flow of information about victims' cases between the shelter advocates and the TRLA lawyers. Shelter advocates used the CTS to produce client affidavits in support of protective order applications, and the lawyers could use the information obtained by the shelter advocates to produce divorce petitions and decrees. In short, the VAWA Project demonstrated that specialization could be extended into rural areas through technology, and produce tangible synergy benefits in the process.

In early 2001, as LSC announced revised service areas for Texas, TRLA decided to overhaul its service delivery system to emulate the VAWA model. The planning process was carried out over the first nine months of the year, culminating in a series of meetings to explain the practice area plan to the general staff. Lawyers and paralegals were asked to volunteer for approximately 25 practice area teams, from traditional subjects like family, housing and consumer law to areas that are more specifically tailored for Southwest Texas, such as *colonias*, border issues, and workers displaced by the effects of NAFTA.

On October 1, TRLA initiated the new Practice Area Delivery System. The system has three primary components: intake, case disposition, and case management. Intake still has a geographical component in that it may be done at a local office as well as a centralized hotline. Case disposition and management, on the other hand, are organized around subject areas rather than geography. Subject areas can be focused on areas of the law (domestic violence, landlord-tenant, employment), or types of clients (farm workers, elderly, juveniles), or unique characteristics of the service area (*colonias*, displaced workers, border issues). Each team

addresses a discrete subject, with the exception of the four homogeneous family law teams.

Intake workers, whether a law student at the TAJ, a paralegal in a branch office, or a legal advocate at an organization serving domestic violence victims, use the CTS to guide their interviews of new clients. When the intake worker has identified the type of case, the selection of the code appropriate for the case triggers two important events. First, if the case type has an associated module, such as for a divorce, custody or protective order case, the module becomes accessible. The intake worker uses the module to store pertinent case information in the CTS for retrieval at any time by any advocate with access to the system, and in the process the module guides the non-lawyer through the substantive legal interview.

The second event triggered by the case type selection is the identification of the “Duty Attorney” for that day for that particular case type. Each Team Manager has previously assigned some member of her team to be the “DA” for each of 365 days per year. When a law student enters the case type code, the CTS automatically assigns the DA for that case. The intake worker notifies the DA when the case is ready for “disposition review.” That action usually occurs only after the intake worker has obtained the information that is essential for the DA to make a fully informed disposition decision. Obtaining a certain level of information about the client’s case is essential to the efficient operation of the delivery system. In many routine cases that can be done at the initial interview; in other cases, it may require follow-up interviews by the student. In still others, it is necessary to forward documents to the DA for her review.

The intake worker notifies the Duty Attorney by a very brief email message that a case is ready for Disposition Review, or “DR.” The intake worker is encouraged to provide the DA her recommendation for case disposition, and to draft proposed legal advice from a bank of standardized advice in the CTS database. Within three days, it is the responsibility of the DA to review the information in the CTS and to make a disposition decision. If some element of essential information is not present, the DA can send the case back to the intake worker to get the additional data. The primary purpose of the DR is to decide whether the case will be given extended services treatment. If not, the DA will close the case with a letter confirming any advice that might have been given to the client during the intake interviews. The CTS facilitates that action through its automatic document assembly functions.

If extended services are appropriate, the DA is responsible for deciding how those services will be provided. The highest priority cases generally will go to staff attorneys on the team. Others may go to pro bono lawyers, to assisted pro se clinics, or perhaps to a private lawyer working on a reduced-fee contract. Collaboration among team members in distant offices is encouraged. Some team members are assigned responsibilities as Duty Attorneys, others may serve as mentors, while still others may serve only as local counsel for one of the more experienced team members.

Each team is headed by a Team Manager who is responsible for developing and implementing case acceptance guidelines, scheduling Duty Attorneys to review new cases on each day of the week, supervising cases given extended services treatment, creating routine

documents and other materials for the CTS, and generally guiding the efforts of the firm within that particular practice area. Team Managers also have duties on such matters as hiring attorneys and paralegals on the team, supervising legal work, and carrying out disciplinary functions when required. Teams are organized into six major “groups,” each of which is headed by a group coordinator: Family/Domestic Violence, Housing, Labor & Employment, Public Benefits, Economic Self-sufficiency, and Individual Rights. The current teams are listed, with their members, on the TRLA web site: www.trla.org.